

# EXHIBIT A



## KENNETH J. RUBIN

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### PRACTICE AREAS

Antitrust and Trade Regulation  
eControl  
Litigation

### INDUSTRIES

Insurance  
Retail  
Transportation and Logistics

### EDUCATION

The Ohio State University  
Michael E. Moritz College of Law,  
J.D., *summa cum laude*, Order of  
the Coif, 2004

*Ohio State Law Journal*, articles  
editor, 2003-2004

Northeastern University, B.S.,  
2001

### BAR AND COURT ADMISSIONS

Ohio

U.S. Court of Appeals for the  
Second Circuit

U.S. Court of Appeals for the  
Sixth Circuit

U.S. District Court for the  
Northern District of Indiana

U.S. District Court for the  
Northern District of Ohio

U.S. District Court for the  
Southern District of Ohio

U.S. Supreme Court

*Admitted to practice law only in  
the states listed above.*

Ken is a partner in the Vorys Columbus office, head of the antitrust subgroup and a member of the litigation practice group. His practice is focused on antitrust law and complex commercial litigation. Ken has significant experience counseling clients regarding price fixing, cartelization and international antitrust issues. He regularly advises manufacturers and retailers regarding vertical pricing and marketing issues involving Minimum Advertised Pricing policies, Resale Price Maintenance, and the Robinson-Patman Act. Ken also has experience representing both plaintiffs and defendants in antitrust litigation, and has litigated a variety of antitrust issues under the Sherman, Clayton, and Robinson-Patman Acts, including cases involving predatory pricing, price fixing, *Walker Process*, tying, group boycotts, monopsony, monopolization, corporate bribery, and issues involving the intersect of intellectual property and antitrust. He regularly represents clients regarding investigations by the Department of Justice, the Federal Trade Commission, and the Ohio Attorney General, and counsels clients on antitrust issues related to mergers and acquisitions, as well as antitrust compliance. Ken also has experience representing clients in intellectual property matters, including patent disputes, and has litigated a variety of cases under the Lanham Act and its state law corollaries. Ken has experience counseling clients regarding payments-related issues. Ken has experience representing both plaintiffs and defendants in class actions and in class action-related litigation.

### Career highlights include:

- Represents 18 major U.S. retailers in a lawsuit filed in the Southern District of New York alleging violations of U.S. antitrust laws by Visa and Mastercard
- Represents 7 major U.S. retailers in a lawsuit filed in the Northern District of Illinois alleging violations of U.S. antitrust laws by Visa and Mastercard
- Serving as first chair at trial in federal district court regarding commercial litigation and competition issues
- Arguing before the United States Court of Appeals for the Sixth Circuit
- Representing a contact lens seller in defending a class action alleging antitrust claims related to keyword bidding
- Serving as class counsel in two consumer class actions resulting in multi-million dollar settlements
- Representing parties and amici in the United States Supreme Court
- Representing a hospital regarding Federal Trade Commission injunction action
- Representing a major food processor in defending a multi-district class action alleging price-fixing claims
- Representing a major technology firm in defending monopolization claims
- Representing several trade associations in litigation challenging the constitutionality of an Ohio statute

**VORYS**

#### JUDICIAL CLERKSHIPS

The Honorable R. Guy Cole, Jr.,  
United States Court of Appeals  
for the Sixth Circuit, 2005-2006

The Honorable James G. Carr,  
Chief Judge, United States  
District Court for the Northern  
District of Ohio, 2004-2005

## KENNETH J. RUBIN

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- Tried to jury verdict in our clients' favor a multi-plaintiff commercial fraud case against national insurance company on behalf of several brokerage companies
- Successfully obtained and prevented multiple preliminary injunctions

Ken is a member of the American Bar Association (ABA). He previously served as a vice chair on the ABA's Antitrust Law's Book and Treatises Section. Ken also served as the assistant to the chair of the section.

Ken received his J.D. *summa cum laude* from The Ohio State University Michael E. Moritz College of Law where he was a member of the Order of the Coif. He served as an articles editor for the *Ohio State Law Journal*. Ken received his B.S. from Northeastern University.

Prior to joining Vorys, Ken clerked for The Honorable R. Guy Cole, Jr. in the United States Court of Appeals for the Sixth Circuit and for The Honorable James G. Carr, Chief Judge, in the United States District Court for the Northern District of Ohio.

## Insights

"The American Rescue Plan Act of 2021 Expected to Become Law," March 11, 2021

"President Signs \$900 Billion Economic Aid Package," December 27, 2020

"*Client Alert*: Jury Clears 5-Hour Energy of Liability for Antitrust Violations, But the Damage Is Done," October 23, 2019

"Practical Tips for Maintaining Online Minimum Advertised Pricing Policies and Avoiding Antitrust Issues," October 11, 2016

"*Client Alert*: Fallout From The EMV October 2015 Liability Transfer Mandate," July 5, 2016

## Professional and Community Activities

Ohio State Bar Association, Antitrust Section Council

Jewish Community Center of Greater Columbus, Board of Trustees, 2011-present; Budget Committee, Member; Security Committee, Member

JCC Board, Executive Committee, Member, 2016-present; Secretary, 2018-2019

Jewish Community Center/Columbus Jewish Day School Joint Security Committee, Chair

## Honors and Awards

*Ohio Super Lawyers Rising Stars*, Antitrust Litigation, 2016

## KENNETH J. RUBIN

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### Events

Merchant Lawsuits Against Visa and Mastercard

January 14, 2020

Category Management Association (CMA) Webinar

August 23, 2019

CBUS 19 Retail Re-Thought Conference

June 5, 2019

Pricing, Promotions and Your Antitrust Exposure: What you Need to Know About the Robinson-Patman Act

May 9, 2018

The Foreign Corrupt Practices Act: Compliance and Investigations

May 1, 2014